

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSE ARTURO PROVINCIA,

Applicant,

v.

No. CV 12-1235 WJ/CG

RAY TERRY,

Respondent.

ORDER FOR A REPLY

THIS MATTER comes before the Court on Jose Arturo Provincia's *Petition Under 28 U.S.C. § 2241 for a Writ of Habeas Corpus*, (Doc. 1), and Respondent's *Motion to Dismiss*, (Doc. 6). Petitioner alleges that he has been denied a bond hearing and that his detention of almost a year without a bond hearing has been unreasonable. (Doc. 1 at 3). In his Motion to Dismiss, Respondent argues that Petitioner has failed to state a cognizable claim for relief. (Doc. 6 at 1). Specifically, Respondent provided documentation demonstrating that Petitioner received a bond hearing on February 29, 2012, and while no action was taken at that time, Petitioner was "free to resubmit his request" for bond. (Doc. 6-2 at 1-2). Respondent also alleges that the delays in Petitioner's removal proceedings have been at the request of Petitioner and his attorney. (Doc. 6 at 3-6).

Petitioner has not filed a Reply to the Motion to Dismiss, nor has he indicated his intent to do so. Although the time to file a Reply has passed, the Court will benefit from a Reply brief addressing Respondent's arguments that the Petition should be dismissed because Petitioner had a bond hearing on February 29, 2012 and that the delays in his

removal proceedings have been at Petitioner's request.

THEREFORE, IT IS SO ORDERED that Petitioner Jose Arturo Provincia shall file a Reply to Respondent's Motion to Dismiss by February 4, 2013.



THE HONORABLE CARMEN E. GARZA
UNITED STATES MAGISTRATE JUDGE